

CHIEF MAGISTRATE JUDGE BRIAN A. TSUCHIDA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. MJ20-324
)	
Plaintiff,)	
)	UNOPPOSED MOTION TO REOPEN
v.)	DETENTION HEARING
)	
DEVINARE ANTWAN PARKER,)	
)	Noted for: July 17, 2020
Defendant.)	

Devinare Parker, through counsel, moves to reopen the detention hearing in this case. At his detention hearing, he will argue for release on an appearance bond that imposes conditions including that he live with his mother and stepfather in Elgin, South Carolina.

Changed circumstances warrant reopening Mr. Parker's detention hearing. At his initial appearance, Mr. Parker stipulated to detention, counsel made no argument for release, and Mr. Parker was not interviewed by an officer from the Pretrial Services Office. Since that hearing, Mr. Parker and his mother have been interviewed by Pretrial Services Officer Jamie Halvorson and counsel has a release plan to submit to the Court.

He therefore moves for a hearing at which he may argue for release on an appearance bond with appropriate conditions.

I. Procedural History

On June 8, 2020, Mr. Parker was arrested and charged by Complaint with one count of unlawful possession of a destructive device in violation of 26 U.S.C.

1 §§ 5861(d) and 5845(a)(8). Dkts. 7, 1. At his initial appearance and detention hearing
2 that same day, Mr. Parker stipulated to detention and was ordered detained. Dkt. 8. The
3 government subsequently moved to extend the indictment deadline, which this Court
4 granted over the undersigned counsel's objection. *See* Dkts. 10, 12, 16. The time for
5 seeking an indictment has been extended to August 31, 2020. Dkt. 18. To date,
6 Mr. Parker remains in custody at FDC SeaTac.

7 **II. Pretrial Services Investigation**

8 Pretrial Services telephonically interviewed Mr. Parker on July 17, 2020, with
9 counsel present. Defense counsel has also provided Pretrial Services with information
10 necessary to verify Mr. Parker's proposed release plan.

11 **III. Motion to Reopen Detention Hearing**

12 The Bail Reform Act expressly contemplates the review and reassessment of
13 release and detention decisions in light of new information. With respect to defendants
14 who have been detained, the Act states:

15 The hearing may be reopened, before or after a determination of the
16 judicial officer, at any time before trial if the judicial officer finds that
17 information exists that was not known to the movant at the time of the
18 hearing and that has a material bearing on the issue of whether there are
19 conditions of release that will reasonable assure the appearance of such
20 person as required and the safety of any other person and the community.

18 U.S.C. § 3142(f).

20 At the time of Mr. Parker's initial hearing, he stipulated to detention. Thus, no
21 hearing was conducted. Mr. Parker was brought over to the federal courthouse by ATF
22 agents late in the day, and no Pretrial Services interview was conducted. Almost no
23 information was known about Mr. Parker at the time of his initial appearance and
24 nothing was presented to the Court on the issue of detention or release.

25 Since that time, defense counsel has learned more information about Mr. Parker,
26 his ties to the community, and his history and characteristics, and has developed a

1 strong release plan. Mr. Parker consents to the hearing being conducted via
2 videoconference. He understands that he will appear via video from the FDC, with
3 counsel signing any appearance bond on his behalf.

4 A copy of this motion was provided to Assistant United States Attorney Erin
5 Becker for review prior to filing. The government will argue that Mr. Parker should be
6 detained. However, the government does not object to the detention hearing being
7 reopened.

8 **IV. Conclusion**

9 Mr. Parker seeks an opportunity to be heard on the question of his custody
10 status. He respectfully requests that the Court reopen his detention hearing so that he
11 may argue for release on an appearance bond.

12 DATED this 17th day of July, 2020.

13 Respectfully submitted,

14 *s/ Sara Brin*

15 Assistant Federal Public Defender
16 Attorney for Devinare Parker
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